

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
SOUTHERN DIVISION**

**DATASCI, LLC,**

**Plaintiff/Counter-Defendant,**

**V.**

**MEDIDATA SOLUTIONS, INC.,**

**Defendant/Counter-Plaintiff.**

**Civil Action No.: 09-1611-MJG**

**MEDIDATA SOLUTIONS, INC.’S MOTION FOR LEAVE TO FILE A SURREPLY TO  
DATASCI, LLC’S REPLY MEMORANDUM IN SUPPORT OF  
PLAINTIFF’S MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT**

Defendant/Counter-Plaintiff Medidata Solutions, Inc. (“Medidata”), through counsel, hereby moves for leave to file by January 25, 2010 a surreply memorandum in response to Plaintiff/Counter-Defendant DataSci, LLC’s (“DataSci”) Reply Memorandum In Support of Plaintiff’s Motion for Leave to File an Amended Complaint and accompanying papers (Docket Entry No. 55) (“Reply”), filed on January 19, 2010.

Medidata primarily seeks leave to file a surreply to address DataSci's mischaracterizations of the facts in this case advanced in DataSci's Reply. Furthermore, leave should be granted because DataSci's Reply raises new issues not discussed in its opening memorandum and to which Medidata has not previously had an opportunity to respond. For example, at a minimum, DataSci raises the following new issues in its Reply, to which Medidata has not had an opportunity to respond:

- Medidata’s interrogatory responses;
- DataSci’s alleged motion to compel, which has not been filed to date;

- DataSci's allegations that Medidata purportedly did not respond to all of the interrogatories DataSci propounded; and
- The parties' negotiations regarding an inspection of Medidata's premises.

None of the above-matters are germane to DataSci's Motion for Leave to Amend. However, Medidata must address the above matters in order to correct gross mischaracterizations of the procedural posture and facts of this case.

Medidata anticipates that its surreply will be succinct and will focus entirely on DataSci's new arguments and mischaracterizations. Medidata will be greatly prejudiced if it is not afforded an opportunity to submit a surreply.

For the foregoing reasons, Medidata respectfully requests that this motion be granted and that Medidata be granted leave, up to and including January 25, 2010, to file a surreply memorandum in response to DataSci's Reply. A proposed Order is attached.

Dated: January 19, 2010

Respectfully submitted,

/s/ Savalle C. Sims

Savalle C. Sims (Bar No. 15186)  
Janine A. Carlan (Bar No. 29066)  
Ross Q. Panko (Bar No. 29079)  
ARENT FOX LLP  
1050 Connecticut Avenue NW  
Washington, DC 20036-5339  
[sims.savalle@arentfox.com](mailto:sims.savalle@arentfox.com)  
Telephone: (202) 857-8948  
Facsimile: (202) 857-6395

*Attorneys for Defendant/Counter-Plaintiff Medidata Solutions, Inc.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
SOUTHERN DIVISION**

<b>DATASCI, LLC,</b>	)	
	)	
<b>Plaintiff/Counter-Defendant,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No.: 09-1611-MJG</b>
	)	
<b>MEDIDATA SOLUTIONS, INC.,</b>	)	
	)	
<b>Defendant/Counter-Plaintiff.</b>	)	

**ORDER**

THIS MATTER having come before the Court on the motion of Defendant/Counter-Plaintiff Medidata Solutions, Inc. ("Medidata"), for leave to file a surreply, having considered the papers submitted in connection with this motion, and any response thereto, and for good cause shown,

IT IS on this \_\_\_\_ day of \_\_\_\_\_ 2010,

ORDERED that Medidata's Motion for Leave to File a Surreply no later than January 25, 2010, is GRANTED.

\_\_\_\_\_  
UNITED STATES DISTRICT

**CERTIFICATE OF SERVICE**

I hereby certify that on January 19, 2010, a copy of the foregoing:

**Medidata Solutions, Inc.'s Motion for Leave to file Surreply to DataSci, LLC's Reply Memorandum in Support of Plaintiff's Motion for Leave to file an Amended Complaint**

was filed electronically and served by electronic mail message on counsel for Plaintiff DataSci, LLC as follows:

Gerard P. Martin, Esquire  
ROSENBERG MARTIN GREENBERG, LLP  
25 South Charles Street, Suite 2115  
Baltimore, MD 21201

Richard J. Oparil, Esquire  
PATTON BOGGS LLP  
2550 M Street, NW  
Washington, DC 20037

Kevin M. Bell, Esquire  
PATTON BOGGS LLP  
8484 Westpark Drive  
McLean, VA 22102

/s/ Savalle C. Sims  
Savalle C. Sims